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9 *Shellpoint Mortgage Servicing*

10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE STATE OF NEVADA**

12 SFR INVESTMENTS POOL 1, LLC,

13 Plaintiff,

14 v.

15 NEWREZ LLC dba SHELLPOINT
16 MORTGAGE SERVICING; DOES I through X,
inclusive; and ROE BUSINESS ENTITIES I
17 through X, inclusive,

18 Defendants.

Case No.: 2:22-cv-0192-JAD-BNW

**NEWREZ LLC dba SHELLPOINT
MORTGAGE SERVICING'S MOTION
FOR LEAVE TO FILE SUPPLEMENTAL
AUTHORITY**

19 NEWREZ LLC dba SHELLPOINT
20 MORTGAGE SERVICING,

21 Counterclaimants,

22 v.

23 SFR INVESTMENTS POOL 1, LLC; DOES I
through X, inclusive; and ROE
24 CORPORATIONS I through X, inclusive,

25 Counterdefendants.

26 Defendant/counterclaimant NewRez LLC d/b/a Shellpoint Mortgage Servicing moves for
27 leave to file supplemental briefing supporting its motion for protective order (ECF No. 42) and
28 opposition to plaintiff/counter-defendant SFR Investment Pool 1, LLC's countermotion to compel

discovery responses (ECF No. 56). Good cause exists under LR 7-2(g) because the supplemental authority was issued only last week.

MEMORANDUM OF POINTS AND AUTHORITIES

On October 11, 2022, the Nevada supreme court issued two opinions serving as persuasive authority relating to issues directly relevant to Shellpoint's motion, thus constituting good cause to supplement the record: (1) *Pine River Lane Trust v. HSBC Bank, N.A.*, Case No. 83707, 2022 WL 6853717 (Nev. Oct. 11, 2022) (unpublished); and (2) *Ferrell Street Trust v. U.S. Bank, N.A.*, Case No. 83981, 2022 WL 6862277 (Nev. Oct. 11, 2022) (unpublished). Specifically, the Nevada supreme court's new rulings affirm district court denials of HOA purchasers' requests for discovery into loan acceleration in pursuit of NRS 106.240-related legal theories based on unrecorded letters, finding the requests in both cases a "fishing expedition."

Plaintiff/counter-defendant SFR Investment Pool 1, LLC argues in its briefing "nothing under Nevada law stands for the proposition that only a recorded document can render a loan wholly due." (Counter-mot., ECF No. 56, at 4:22-23.) Thus, *Pine River* and *Ferrell Street* now constitute Nevada authority that SFR deemed absent.

Shellpoint's proposed supplemental authority is attached as **Exhibit A**. Shellpoint respectfully request the court permit it to file its proposed supplemental authority or, alternatively, deny it as moot if this court adjudicates its motion for protective order in the interim.

DATED this 18th day of October, 2022.

AKERMAN LLP

ORDER

IT IS SO ORDERED

DATED: 8:16 am, October 20, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

/s/ Paige L. Magaster

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INDEX OF EXHIBITS

Exhibit A: Notice of Supplemental Authority